

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.

**IN RE: APPROXIMATELY \$321,810.00 IN U.S. CURRENCY
(CATS NO. 22-DEA-690869)**

**UNITED STATES OF AMERICA’S MOTION FOR ENLARGEMENT OF TIME TO
FILE CIVIL FORFEITURE COMPLAINT OR
TO ALLEGE CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. § 983(a)(3)(A), the United States of America (the “United States”) files this Motion for Enlargement of Time to File Civil Forfeiture Complaint or to Allege Criminal Forfeiture (“Motion”). In support of this Motion, the United States alleges as follows:

1. On or about April 14, 2022, the Drug Enforcement Administration (“DEA”) agents seized \$321,810.00 in United States Currency (“Seized Cash”).

2. DEA assigned CATS No. 22-DEA-690869 to the Seized Cash, initiated administrative forfeiture proceedings, and sent written notices of seizure to potential claimants in accordance with 18 U.S.C. § 983(a)(1)(A).

3. On July 8, 2022, Leonardo David Ojeda Ruiz¹ (“Ojeda”) filed a claim to the Seized Cash, and DEA subsequently referred this matter to the U.S. Attorney’s Office for the Southern District of Florida.

4. On July 12, 2022, Luis Pernia Diaz² (“Pernia” and, collectively with Ojeda, the “Claimants”) filed a claim to the Seized Cash, and DEA subsequently referred this matter to the U.S. Attorney’s Office for the Southern District of Florida.

1. Leonardo Ojeda Ruiz is represented by Jay A. White, Esq., who is identified as Mr. Ojeda Ruiz’s counsel on the claimant form.

2. Luis Pernia Diaz is represented by Dara Sandau, Esq., who is identified as Mr. Pernia Diaz’s counsel on the claimant form.

5. The time has expired for any person to file a claim to the Seized Cash under 18 U.S.C. § 983(a)(2)(A)-(E). No other person has filed a claim to the property as required by law in the nonjudicial civil forfeiture proceeding.

6. Pursuant to 18 U.S.C. § 983(a)(3), within 90 days after a claim is filed, the United States is required to file a civil forfeiture complaint or obtain a criminal indictment containing an allegation that the property is subject to forfeiture. Ninety days from July 8, 2022, yields a deadline of October 6, 2022, for Ojeda's claim, and ninety days from July 12, 2022, yields a deadline of October 10, 2022, for Pernia's claim. However, the Court may extend the period for filing a civil forfeiture complaint for good cause shown or upon agreement of the Claimants and the United States (collectively, the "Parties").

7. The United States seeks an extension of both deadlines by approximately 45 days, up to and including November 20, 2022.

8. Claimant Ojeda, through his counsel, Jay A. White, Esq., has knowingly, intelligently, and voluntarily agreed to give up any right it may have under 18 U.S.C. § 983(a)(3)(A)-(C) to require the United States to file a complaint for forfeiture against the property and/or to obtain an indictment alleging that the property is subject to forfeiture no later than October 6, 2022, and any right Ojeda may have to seek dismissal of any complaint and/or any indictment on the ground that it was not filed or returned on or before October 6, 2022.

9. Claimant Pernia opposes the relief sought herein, as relayed by his counsel, Dara Sandau, Esq., to the undersigned Assistant United States Attorney.

10. There is good cause to extend the deadlines from October 6, 2022, and October 10, 2022, to November 20, 2022, as the requested extension would afford the Parties time to potentially

resolve this matter without litigation and, to the extent necessary, gather additional information beyond that submitted by the Claimants in their respective original claims. This is the first enlargement of time being sought in this matter.

WHEREFORE, the United States respectfully requests that the Court grant this motion and provide that the United States will have through and including November 20, 2022, to file a civil forfeiture complaint against \$321,810.00 in United States Currency (CATS No. 22-DEA-690869), or to allege criminal forfeiture of such property. A proposed order is attached.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1, I hereby certify that the undersigned counsel has conferred with Ojeda's counsel, Jay A. White, Esq., via e-mail on October 5, 2022, and Ojeda has no objection to the relief sought herein. Pursuant to Local Rule 7.1, I hereby certify that the undersigned counsel has conferred with Pernia's counsel, Dara Sandau, Esq., via e-mail on October 5 and 6, 2022, and Pernia has an objection to the relief sought herein.

Respectfully submitted,

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